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S/1997/191
4 March 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 4 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States, British and French aircraft continued over the period 16 to 28 February 1997 and that the aircraft in question carried out reconnaissance and engaged in acts of provocation, as set forth in the annex hereto.

You are requested to intervene with these countries with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq affirms its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State by these actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-05781 (E) 050397 050397 070397

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Annex

Violations of Iraq's airspace and damage caused, 16-28 February 1997

1. In the northern region 82 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Mosul, Irbil, Dohuk, Tall Afar, Amadiyah, Zakho, Ayn Sifni, Aqrah and Badush.

2. In the southern region 606 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Qurnah, Kut, Nasiriyah, Samawah, Rumaythah, Salman, Busayyah, Jalibah, Artawi, Amarah, Chabaish, Lasaf, Hayy, Hamzah, Basra, Najaf, Ushbayjah, Suq al-Shuyukh, Hillah, Taqtaqanah and Diwaniyah.

3. On 13 occasions United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated the Republic of Iraq's airspace in the southern region before leaving in the direction of Kuwait.

4. At 1014 hours on 18 February 1997 a formation of United States aircraft broke the sound barrier over Umm Qasr in Basra Governorate.

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LETTER DATED 4 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that on 29 January 1997 four representatives of the Kuwaiti authorities abducted the Iraqi citizen Riyad Ubayd Radan (21) while he was tending camels in the Iraqi part of the demilitarized zone. They took him to a Kuwaiti prison on the border, where he was physically abused by a group of Kuwaitis from the so-called "State Security". After 15 days of torture and ill treatment, he was found lying near the border fence, unable to walk because he had been tortured with corrosive chemicals which had burned his lower limbs, inflamed internal tissue and damaged the bones. He is now being treated in a hospital in Basra Governorate.

This Iraqi citizen (photograph enclosed), speaking with great difficulty as a result of being subjected to savage torture by representatives of the Kuwaiti authorities, stated that while he was in the Kuwaiti prison he learned that hundreds of prisoners were being subjected to physical torture. Their screams could be heard coming from their prison cells.

In condemning and deploring these inhumane practices of the Kuwaiti authorities, my Government considers Kuwait to bear complete responsibility for the physical and moral damage sustained by the Iraqi citizen Riyad Ubayd Radan and affirms its legitimate right to seek compensation for all such damage in accordance with the principle of State responsibility.

I request your intervention with Kuwait with a view to inducing it to desist from these grave and unwarranted acts of aggression - as being in contravention of the Charter of the United Nations, the provisions of international law and the principles of human rights and as having the effect of creating an atmosphere of tension in the demilitarized zone instead of promoting security and stability there - and in order to show that this provocative act constitutes a violation of the demilitarized zone on Kuwait's part.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-05768 (E) 050397 050397 070397

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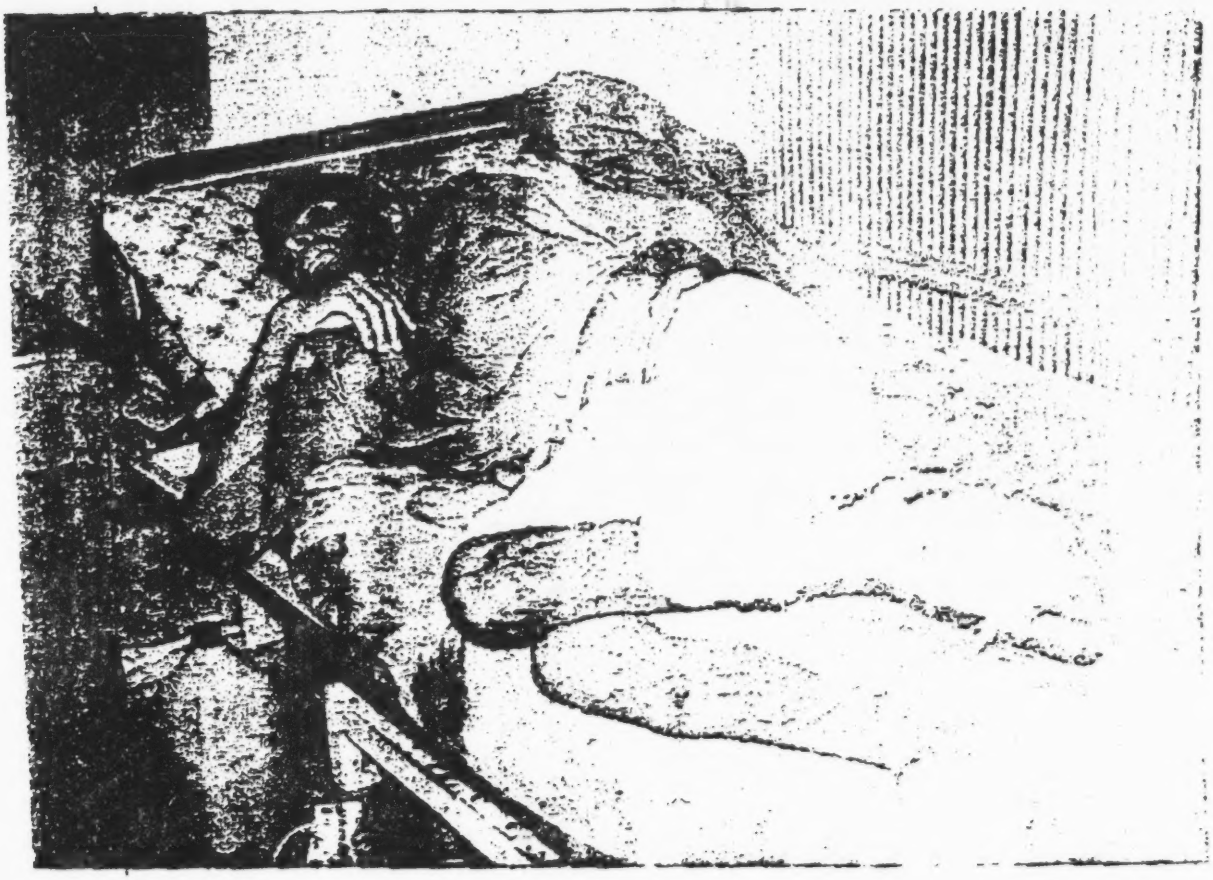

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S/1997/193
5 March 1997

ORIGINAL: ENGLISH

LETTER DATED 27 FEBRUARY 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 25 February 1997, which I have received from the Secretary-General of the North Atlantic Treaty Organization.

I would appreciate your bringing it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

97-05925 (E) 050397

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Annex

Letter dated 25 February 1997 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the second monthly report on Stabilization Force (SFOR) operations. I would appreciate your making this report available to the Security Council.

The past month has been an eventful one in Bosnia and Herzegovina, as this report makes clear. However, in the wake of the Brcko arbitration decision and the violent events in Mostar and the zone of separation, the military situation in the region remains calm. Nevertheless, the recent violence gives cause for concern, and the international community must remain prepared to face further challenges in the months ahead. SFOR is prepared for such challenges, and will continue to play its part in contributing to a lasting peace in Bosnia and Herzegovina.

(Signed) Javier SOLANA

Appendix

Monthly report to the United Nations Security Council on SFOR operations

SFOR operations

1. There are approximately 32,000 SFOR troops currently deployed in Bosnia and Herzegovina, with contributions from all the NATO nations and from 18 non-NATO countries. The first phase of Operation Joint Guard, which began on 20 December 1996 under the authority of Security Council resolution 1088 (1996), terminated on 3 February 1997, with all SFOR headquarters and manoeuvre forces deployed and fully mission-capable. The second phase of Operation Joint Guard, the stabilization phase, has now begun, and over the coming months SFOR will continue its efforts to keep the peace in Bosnia and Herzegovina by accomplishing its principal military tasks and by providing selective support to the international civil organizations in theatre, thereby contributing to a progressive implementation of broad civilian programmes. At the same time, SFOR will remain vigilant to threats to the Force and challenges to the provisions of the Peace Agreement.

2. Over the past month, SFOR has continued to carry out area reconnaissance and surveillance through ground and air patrols across the region. Random inspections of cantonment sites have been conducted, and SFOR and the International Police Task Force (IPTF) have worked together to clear illegal checkpoints from the zone of separation.

Cooperation and compliance by the parties

3. Although the parties are still assessed as being in general compliance with the military provisions of the Peace Agreement, the past month has seen an increase in tension; houses have been destroyed by arson or explosion, displaced persons attempting to return to their homes have been forced back and violence has flared up, most notably in the city of Mostar and in villages in and around the zone of separation.

4. Since the beginning of its mandate (20 December 1996), SFOR has conducted more than 750 compliance inspections. Unauthorized weapons continue to be confiscated and destroyed, and discrepancies have been found in the number of declared and stored weapons. Occasionally, the parties have moved weapons without authorization, and SFOR has then responded with weapon and ammunition confiscation and subsequent destruction. In mid-January, at a Joint Military Commission meeting, SFOR temporarily suspended its confiscation policy in order to give the parties an opportunity to declare additional weapons and ammunition and to move newly declared weapons and ammunition to cantonment sites. This is a two-phased suspension - the first phase (17 January to 15 February) allowed the Parties to declare previously undeclared weapons and to move them to authorized cantonment sites; the second (15 February to 17 March) will allow only the transportation of weapons declared during the first phase.

5. Freedom of movement and, more specifically, freedom of return continue to give rise to concern, and over the reporting period there have been serious incidents in and around the villages of Celic, Gajevi and Stolac, as well as in the city of Mostar. Between 30 January and 20 February, 15 illegal checkpoints - 2 Bosniac, 5 Bosnian Croat and 8 Bosnian Serb - were dismantled by SFOR and IPTF.

6. On 23 January, following tensions between Bosnian Serbs and Bosniacs attempting to return to their pre-war homes, SFOR declared a temporary restricted zone on the Bosnian Serb side of the zone of separation near Celic, in which civilian police were required to be escorted by IPTF. On 26 January, in the nearby village of Gajevi, an organized and orchestrated incident took place when a large group of Bosnian Serbs attacked Bosniac workers who were constructing houses as part of an approved return process under the aegis of the Office of the United Nations High Commissioner for Refugees (UNHCR). In the absence of Bosnian Serb police, SFOR troops moved in, separated the two groups and restored order. In a subsequent joint démarche to the Bosnian Serb President, Dr. Plavsic, the Commander of SFOR, the High Representative and the IPTF Commissioner called for the immediate suspension of the local Chief of Police, the apprehension of the individuals involved in the attack and the immediate participation by the Bosnian Serb police in joint patrols. The joint SFOR/IPTF/Bosnian Serb patrols began in early February and are continuing. Meanwhile, Bosniac resettlement attempts were suspended. They began again on 12 February, when approximately 20 Bosniacs resumed construction of prefabricated homes in the village.

7. In a further incident, on 31 January, nine Bosniac families tried to return to Stolac from Mostar. SFOR troops had been deployed, at the request of UNHCR, to provide general area security. However, the Bosniac convoy was stopped by approximately 400 Bosnian Croats, mainly women and children, who began throwing rocks and eggs. UNHCR then cancelled the operation, and the settlers returned to Mostar. The Bosniacs have not yet attempted to return to Stolac.

8. Mostar itself has been the scene of a recent violent confrontation between Bosniacs and Bosnian Croats. During the first week of February, the situation in the city began to deteriorate, with reports of numerous explosions and evictions of Bosniacs by Bosnian Croats. In response, SFOR and IPTF patrols were increased. On 10 February, violence flared between a group of Bosniacs visiting a cemetery in West Mostar and a Bosnian Croat carnival parade in the vicinity. Shots were fired and the Bosniacs withdrew. One Bosniac died, and between 20 and 40 people, mainly Bosniacs, were injured. At the request of IPTF, SFOR assistance was provided and SFOR troops succeeded in isolating the incident and preventing it from spreading. The SFOR presence in Mostar was subsequently increased, with additional checkpoints and patrolling, in order to prevent any similar clashes between the two local communities. As a result of this increased presence, a number of small arms were confiscated and several illegal Croat checkpoints dismantled. On 12 February, SFOR participated in a meeting of Federation representatives and international officials, when agreement was reached on decreasing inter-ethnic tension in Mostar. IPTF has now been tasked with conducting an independent investigation to determine who was responsible for the escalation of violence and attacks on Mostar citizens. At the moment, the situation in the city remains tense, but calm.

9. In anticipation of the Brcko arbitration decision in mid-February, tensions ran high both in the city itself and in the region generally. In late January, therefore, SFOR imposed a temporary exclusion zone around Brcko, prohibiting the parties from moving forces within 10 km of the city. SFOR patrols in the city were also increased.

10. In late January and early February, in what appeared to be a reaction to the anticipated arbitration decision, there were numerous reports of mobilization by Bosniac and Bosnian Serb units. Reservists were called up, and there was an overall significant increase in training activity. On 11 February, in order to defuse the tensions caused by these developments and to pre-empt any acts that might be misunderstood or considered provocative by either side, SFOR suspended, with immediate effect, all training outside barracks, with the exception of flight training. All troops involved in training outside barracks, whether regular or reserve, were ordered to return to barracks by midday on 13 February. This suspension period will remain in force for as long as SFOR deems necessary. SFOR also ordered the immediate stand-down of all reserves and their return to their homes by 1800 hours on 13 February. The parties complied with the training ban and with the order to stand-down their reserves.

11. In the immediate aftermath of the arbitration decision on 14 February, the situation in Brcko remained calm. SFOR will continue to play its role in contributing to a secure environment in and around Brcko, and will also provide support to IPTF as it increases its presence there.

12. None of the parties is yet judged to be compliant with respect to demining, although it is hoped that the decisions taken at the mid-January meeting of the Joint Military Commission (paragraph 7 of the previous monthly report refers (see S/1997/81)) will speed up operations significantly. Within the framework of those decisions, the parties are to produce a properly resourced demining programme by mid-February.

13. The Bosniac and Bosnian Serb Parties are still non-compliant in the mandatory return of prisoners of war (POWs). The International Committee of the Red Cross (ICRC) records 13 POWs still held in Bosniac and Serb prisons, and it is also possible that there may be more POWs detained by the entities.

Cooperation with international organizations

14. SFOR continues to provide support within its capabilities to the international civil organizations in theatre and, as noted above, continues to work extensively with IPTF on a daily basis to maintain local security and to facilitate freedom of movement for the local population. SFOR will continue to assist the Office of the High Representative, UNHCR and IPTF in implementing jointly developed procedures for the orderly and phased return of refugees and displaced persons in the zone of separation. In addition, SFOR has assisted IPTF in developing a number of programmes, such as the definition of entity jurisdictional boundaries for IPTF.

15. SFOR and OSCE have established a close and cooperative relationship, especially with regard to preparations for the municipal elections, currently scheduled for July. SFOR has played an increased role in helping to staff the

OSCE Election Operations Centre and in providing assistance to OSCE staff in the correlation and consolidation of election plans.

16. SFOR support will continue to be given to OSCE in its role with respect to Annex I B of the Peace Agreement. Updated data on the parties' weapons holdings in SFOR-authorized sites will continue to be provided to the Personal Representative of the OSCE Chairman-in-Office.

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LETTER DATED 3 MARCH 1997 FROM THE PERMANENT OBSERVER OF PALESTINE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that, in accordance with its previous practice, the Security Council invite Dr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the current debate of the Security Council with regard to the situation in the occupied Palestinian territory, including Jerusalem.

(Signed) Dr. Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

97-05882 (E) 050397

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FURTHER REPORT ON THE SITUATION OF HUMAN RIGHTS IN CROATIA PURSUANT TO SECURITY COUNCIL RESOLUTION 1019 (1995)

I. INTRODUCTION

1. The present report provides updated information to the Security Council on the situation of human rights in Croatia, with specific reference to the progress of measures taken by the Government of the Republic of Croatia to implement Security Council resolutions 1009 (1995) and 1019 (1995) and presidential statement S/PRST/1996/48 of 20 December 1996. Those resolutions followed Croatia's military recovery of control in May and August 1995 of formerly Serb-controlled areas of its territory, located in the Western Slavonia and Krajina regions, which had been designated United Nations Protected Areas (UNPAs) and were known as Sectors West, North and South.

2. In resolutions 1009 (1995) and 1019 (1995), the Security Council demanded of the Government of Croatia that it respect fully the rights of the local Serb population in the former Sectors, including the right to remain, leave or return in safety, take urgent measures to put an end to all violations of international humanitarian law and human rights in the areas and investigate all reports of such violations so that those responsible could be judged and punished. In its presidential statement of 20 December 1996, the Security Council, inter alia, acknowledged notable progress in the humanitarian situation in those regions. Concerning the right to personal security, the Council observed that, while the security situation had improved slightly, there remained cause for concern about continued acts of harassment, looting and physical attacks against Croatian Serbs and, in particular, about involvement by Croatian uniformed military and police officials in a number of those incidents.

3. The present report considers further developments since my last report of 5 November 1996 (S/1996/1011 and Corr.1) up to late February 1997. The report is based on information compiled by the field operation of the United Nations High Commissioner/Centre for Human Rights in the former Yugoslavia, and from various other sources, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the Prosecutor of the International Tribunal for the former Yugoslavia, the monitoring mission of the Organization for Security and Cooperation in Europe (OSCE), the European Community Monitoring Mission (ECMM), and the International Committee of the Red Cross (ICRC). The report takes into account several aide-mémoires and other

documents and information provided by the Government of Croatia over the last year, including an aide-mémoire dated 28 February 1997, received just before the present report went to print. Additional information has been received from local and international non-governmental human rights organizations active in Croatia, including the Croatian Helsinki Committee; the Dalmatian Solidarity Committee (DOS); Homo; the Committee for Human Rights in Karlovac and Pakrac; the Serbian Democratic Forum; the Anti-War Campaign, Croatia; and Papa Giovanni XXIII.

II. HUMAN RIGHTS VIOLATIONS AND MEASURES TAKEN BY THE GOVERNMENT

4. Throughout the former Sectors, but particularly in the area of former Sector South around Knin, Croatian Serbs continue to live in conditions of serious insecurity. Incidents of looting and harassment remain common, attributed mostly to recent Croat settlers in the area and persons crossing the nearby border with Bosnia and Herzegovina. Croatian police authorities continue to be ineffective in restoring security. The majority of reported incidents involve acts of petty crime, such as the theft of livestock and intimidation in the form of threats and unlawful entry onto property. Since many elderly Serbs in the area lack means of communication, they feel they have little defence against these incursions and live in a constant state of fear. It should be noted that the security situation in Western Slavonia (former Sector West) is generally more favourable than that in former Sectors North and South.

5. Typical recent incidents have included, in late December 1996, two break-ins of a home belonging to an elderly Serb woman in Ocestovo (former Sector South); the thieves stole furniture and other belongings and told the woman to leave Croatia. On 16 January 1997, thieves using a vehicle without licence plates took windows and building material from several homes in Backonje (former Sector South); the crime was repeated the next day in the village of Radosi. On 30 January 1997, in Ivosevci, thieves took several dozen sheep from an elderly Serb couple. One of the perpetrators, a uniformed man with a shaved head, reportedly made physical threats against the victims. Several acts of theft and harassment have been reported in 1997 in the Plavno valley outside Knin, a location which observers note could be protected by a single police vehicle stationed along the only road leading into the area. It was also reported that one day after the Special Rapporteur on Human Rights in the former Yugoslavia, Ms. Elisabeth Rehn, visited Knin, the community of elderly Serbs in the Plavno valley was repeatedly harassed and their properties looted.

6. Among the most serious criminal acts committed recently was a "booby-trap" incident recorded in the village of Josani, Korenica municipality, on 11 January 1997. As reported by OSCE monitors, a Serb man was injured when he attempted to move a piece of roofing material - a "salonit plate" - from the dirt road leading to his house, detonating a grenade-like device which had been hidden underneath it. Neighbours (Croatian Serbs who had returned from the Federal Republic of Yugoslavia in 1996 and who have been threatened by local Croat residents) had noted that the plate had been moved earlier onto the road, but had avoided touching it. The victim suffered injuries to his leg and hip, and his car sustained material damage. Local police informed OSCE that their investigation was continuing but no results have been reported to date. In

another case of violence noted by OSCE, grenades were thrown on four separate occasions in January and February 1997 into the house of a recent Croatian Serb returnee in the village of Biskupija, near Knin.

7. In contrast to the assessment of most international observers that security measures have been inadequate, the Croatian Government maintains that it has deployed the necessary number of police officers to the former Sectors and that they are doing their best to ensure general safety in the region. According to the Government's aide-mémoire of 20 February 1997, "statistics show that safety in these areas is rapidly improving, closely approaching the conditions in the rest of Croatia's territory, which, by the way, prove to be better than in most European countries". The Government advises that it has dealt with 41 murder cases in which 67 persons were murdered between 4 August 1995 and 31 December 1996.[1] Of these cases, the Government reports that 21 cases involving the deaths of 41 persons were solved, and 33 persons were reported to the competent judicial authorities. In the same period, the police recorded 68 robberies, of which 40 cases were solved and 81 culprits reported, according to the Government.

8. It should be noted that the killing on 11 September 1996 of an elderly couple of mixed marriage at Bukovica, Municipality of Gvozd, described in my previous report to the Council (S/1996/1011 and Corr.1, para. 6) was resolved by Croatian police authorities with the arrest of two individuals two weeks after the crime. However, the Government has provided no new information concerning three unresolved massacres occurring at Gosic, Varivode and Grubori in the weeks after the August 1995 military operations, in which a total of 21 persons were killed. In the Grubori case, in which five people died, United Nations observers had reported the presence of Croatian special police forces in the hamlet at the time of the killings, on 25 August 1995.

9. Finally, concerning the issue of personal security in the former Sectors, mention should be made of reports which continue to be received from intergovernmental organizations as well as international and local non-governmental human rights organizations (NGOs) that their activities are closely monitored by surveillance units believed to belong to Croatian police authorities. Workers from these organizations report that they are frequently followed, in some cases by marked police vehicles and in others by persons travelling in unmarked cars. In previous reports of the Secretary-General, incidents were described in which human rights workers were the victims of physical attacks by unknown persons. Another such incident occurred in Split on 9 December 1996, when a foreign national working for a local human rights NGO was assaulted and severely beaten by a neighbour, who accused her of spying against Croatia.

III. HUMANITARIAN AND ECONOMIC SITUATION

10. International humanitarian organizations working together with the Croatian Government and the Croatian Red Cross in the context of the Government's "Let's Save Lives" programme have been generally successful during the current winter in meeting the most urgent humanitarian needs of isolated individuals living in the former Sectors, particularly elderly Croatian Serbs. It has been emphasized

by numerous sources that without the efforts of international organizations, including UNHCR, ICRC, the International Federation of Red Cross and Red Crescent Societies (IFRC), ECMM, the United Nations Children's Fund (UNICEF), CARITAS, Equilibre and other agencies, the lives of residents in the region would have been truly at risk. Funding is needed urgently in the coming months to ensure that humanitarian programmes continue until the social and economic situation in the former Sectors improves.

11. Virtually all of the approximately 10,000 Croatian Serbs left behind in the former UNPAs following the exodus of 1995 have now reportedly received Croatian citizenship documents and related benefits, including pension rights. Concern has been expressed, however, about the vulnerability of these people, since many live in isolated areas and have difficulty travelling to population centres to receive needed services. Transport is currently provided by international and local agencies, but such support will not continue indefinitely. It is generally agreed that the situation would best be improved by the return of younger family members, but the return clearance process by the Croatian Office of Displaced Persons (ODPR) has been slow (see paras. 14-21 below).

12. Some progress in the restoration of basic infrastructure, particularly electricity supplies, has been noted in recent months in the former Sectors. Other necessities, including telephone and transport services, remain to be addressed. Imbalances continue to be noted between reconstruction assistance provided to communities populated by recent Croat settlers, mostly refugees from Bosnia and Herzegovina, and that given to villages inhabited predominantly by remaining Croatian Serbs.

13. All residents of the former Sectors, Croats and Serbs alike, continue to suffer seriously from the region's economic devastation. Employment is extremely difficult to find. The Government has stated that Croatia's high unemployment rate is attributable in large part to the destruction caused by the war, in particular of industrial facilities and infrastructure. The Government maintains that the country's labour law clearly prohibits discrimination on various grounds, including national origin. In 1996, the Croatian Employment Office issued 2,417 work permits to non-Croats who were not citizens of Croatia. While unemployment among non-Croats remains high, especially in the former Sectors, the Government asserts that joblessness should not be attributed to applicants' national origins.

IV. RETURN OF CROATIAN SERB REFUGEES AND DISPLACED PERSONS

14. It will be recalled that as many as 200,000 Croatian Serbs fled to the Federal Republic of Yugoslavia and Bosnia and Herzegovina following Croatia's military actions in former Sectors West, North and South in the summer of 1995. According to the latest information provided by the Government in its aide-mémoire of 28 February 1997, 14,459 persons have received authorization to return to Croatia. International observers, however, believe that fewer than 3,000 of these persons have returned to their homes in former Sectors West, North and South, most of them to former Sector West. They attribute the low number mainly to a lack of secure conditions, though the Government emphasizes the prevailing poor economic situation.

15. For its part, UNHCR has only been able to facilitate the return of some 550 Croatian Serb refugees from the Federal Republic of Yugoslavia to Croatia since June 1996. The agency is attempting to address the plight of elderly Serbs who remained in the former Sectors following the exodus of 1995 by seeking clearance from the Croatian ODPR for the return of younger relatives. The EVI project (for "extremely vulnerable individuals") has met with little success owing to the slow pace of the Government's response. As from 1 February 1997, ODPR has cleared only 3 per cent of the potential returnees submitted for clearance, and 70 per cent of the total submission has remained pending for more than three months.

16. According to data from the population census of refugees in the Federal Republic of Yugoslavia, of some 337,000 Croatian refugees now in the Federal Republic of Yugoslavia, roughly 35,000 (roughly 10 per cent) have expressed an interest in returning immediately to Croatia. It is believed, however, that this number would increase if conditions of personal and economic security for Croatian Serbs in the former Sectors were to improve. For Croatian refugees in the Federal Republic of Yugoslavia who do not have Croatian documents, the only possibility for return is through "family reunification". As yet there is no possibility for these persons to obtain Croatian documents from the Croatian embassy in Belgrade. Thus, for persons without documents or relatives in Croatia, return remains impossible.

17. Croatian Serb returnees to the former Sectors are joining the roughly 10,000 Serbs (mostly elderly persons) who remained in the area after the military operations of 1995. As noted in previous reports, more than 50,000 Croat displaced persons from elsewhere in the country and Croat refugees from Bosnia and Herzegovina and the Federal Republic of Yugoslavia have meanwhile been resettled in the former Sectors since early 1996. Many of these persons are occupying houses belonging to Croatian Serbs, and reports continue to indicate that returning Serbs encounter great difficulty in obtaining Government help to regain access to their properties.

18. The question of property is governed principally by two pieces of legislation. Under the Law on Lease of Flats in the Liberated Territory (passed in September 1995), rights to rented flats were lost irrevocably if departed tenants had not reclaimed them by 27 December 1995. Many Croatian Serbs lost their socially owned apartments in the former Sectors in this way. As for houses, the Law on Temporary Taking-Over and Administration of Specified Property placed abandoned properties under State administration. Many homes were given over to newly arrived Croat settlers, and the law provides that they may not be dispossessed of the properties until proper alternative accommodation is found. In practical terms, this has resulted in few Croatian Serb refugees regaining access to their homes. Many cases of Croatian Serbs caught in this predicament have been reported to international observers, and little if any corrective action has been taken by the Government through the local housing commissions, effectively leaving hundreds of Croatian Serbs homeless. In numerous cases, commissions have been reported to be dismissive and even hostile to Croatian Serbs seeking to reclaim their homes, as in one case reported from former Sector North in which a woman was told she would get her house back "in 50 years". In the few cases in which returning Croatian Serbs have been reinstated in their houses, they are reported to have been helped more by the

cooperative attitudes of the Croat settlers occupying them than by the local housing commissions.

19. The Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed at Belgrade in August 1996, committed the Parties (in article 7) to ensuring to returning refugees and displaced persons "the return of their property or a just compensation". Although the Government has advised that a bilateral commission was established with the task of implementing these provisions, no progress on the issue has been observed thus far.

20. Officials serving with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) have emphasized the importance of resolving return and property questions in former Sectors West, North and South as a prerequisite to the successful implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951, annex). It is evident that the return of Croat displaced persons to Eastern Slavonia will depend greatly on the ability of displaced Serbs living there at present to return to their former homes elsewhere in Croatia. While a small number of inspection visits organized by UNHCR and UNTAES to the former Sectors have taken place successfully, there have in fact been few returns. A pilot return project to the villages of Kusonje and Brusnik in former Sector West, for example, has yet to be implemented.

21. As noted in my previous report on this subject, the imbalance between the number of remaining and returning Croatian Serbs and the number of resettled persons of Croat national origin in the former Sectors appears likely to change the demography of the former Sectors, perhaps irrevocably. Although the Government still insists upon its commitment to the return process, the President of the Republic stated in an address to the Parliament on 22 January 1997 that: "Those who left are the people who responded en masse to the call of their terrorist leaders and left Croatia in an organized way and of their own free will. These facts seem to be deliberately ignored by some international circles which reproach Croatia for the slow return of Serbs to Croatia. The underlying reason is that only a few of them want to live in the free, sovereign and democratic State of Croatia. Between Croatia and Serbia they opted for Serbia, and these are therefore citizens who have voluntarily decided where they want to live." Such public remarks and official disposition, as well as developments on the ground have led some observers to question the sincerity of the Government's commitment.

V. DETENTION AND THE QUESTION OF AMNESTY

22. As noted in previous reports, a general amnesty law approved by the Parliament of Croatia entered into force on 3 October 1996. The legislation applies to persons accused of or sentenced for criminal acts committed in connection with aggression, rebellion or armed conflict between 17 August 1990 and 23 August 1996. Criminal investigations or proceedings related to such acts were to be cancelled and any detained persons to whom the amnesty applied were to be released. The legislation exempted from its coverage alleged perpetrators of war crimes.

23. According to the Government, after coming into force, the amnesty law was applied immediately to 96 persons who were released from detention or imprisonment. However, as noted in my previous report, 27 persons were rearrested immediately or within days of their release, apparently in some cases being charged with war crimes in relation to the same acts for which they had previously been held. As of 27 January 1997, three of these persons had subsequently been re-released. The Security Council, in its presidential statement of 20 December 1996 (S/PRST/1996/48), expressed deep concern at the reports that the amnesty law was not being implemented in a fair and equitable manner.

24. In the Region at present administered by UNTAES, the application of the amnesty law continues to cause widespread concern among the Serb population. At the time of writing of the present report, the Croatian authorities were preparing a definitive list of persons believed by them to be in the Region and who, in the eyes of the Ministry of Justice, are not covered by the amnesty law. All those not on the list may then consider themselves as amnestied. In recent days there have been several unofficial lists circulating in the Region. At the request of UNTAES, on 27 February, the Deputy Minister of Justice of Croatia publicly announced that such lists had been prepared by unauthorized persons, had not been prepared by the Government or the judiciary and were not valid. He stated that the final list of war crimes suspects would be released as soon as possible.

25. The recent arrest on war crime charges of a returning Croatian Serb in former Sector South indicates that the detention and prosecution situation remains unresolved. The Croatian Government has a clear interest in detaining and prosecuting persons reasonably suspected of war crimes. However, appeals have been made to the Government, including by the Special Rapporteur of the Commission on Human Rights, to finalize its list of war crime suspects on the basis of existing evidence, to remove uncertainty and ensure that arbitrary arrests are not made among Serbs returning to Croatia.

26. An additional concern related to detention has recently arisen in connection with the Lora military prison at Split, where 18 persons are reportedly being held by Croatia as prisoners of war in contravention of the Government's commitments under the General Framework Agreement on Peace in Bosnia and Herzegovina (annex 1.A, article 9).

VI. LEGAL AND OTHER PROTECTIONS FOR THE CROATIAN SERB POPULATION

27. The situation of legal protection for Croatian Serbs in Croatia, as well as for all minorities, remains essentially as described in my previous report. The Republic of Croatia was formally admitted as the fortieth member of the Council of Europe on 6 November 1996, and the Government has signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, accepting the competence of the European Commission and the European Court of Human Rights. Croatia also signed the Framework Convention for the Protection of National Minorities and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. A working group

established in September 1996, composed of government representatives and independent experts, continues its examination of the compatibility of Croatian law with the European Convention on Human Rights and its Protocols.

28. The Government's decision of September 1995, suspending certain provisions of the Constitutional Law on Human Rights, remains in effect. As noted in previous reports, the Government maintains that the suspension has not affected core provisions of Croatian law relating to minority rights. In an aide-mémoire of 15 November 1996, the Government advised that, in order "to assure the full compliance and compatibility of the provisions of the Constitutional Law with relevant universal and regional instruments on minority rights standards", it had established a working group for the revision of the Constitutional Law on Human Rights, which will cooperate closely with the Council of Europe's Commission on Democracy through Law (the Venice Commission).

29. The Government is continuing its cooperation with the Special Rapporteur on Human Rights in the former Yugoslavia, Ms. Elisabeth Rehn, who visited the country between 16 and 22 February 1997. Croatia is also cooperating with the Organization for Security and Cooperation in Europe, with which it concluded in 1996 a memorandum of understanding for a long-term monitoring mission in the country. Mission offices have been established in Zagreb, Vukovar and Knin. The mission is concerned with a variety of issues, including conflict prevention and confidence-building.

30. At the request of the Government of Croatia, the United Nations High Commissioner for Human Rights/Centre for Human Rights carried out an assessment of needs for possible projects of technical cooperation in the field of human rights. The assessment report was submitted to the Government on 24 February 1997 and may be expected to lead to concrete projects for the protection of human rights in Croatia.

31. In the domestic sphere, the Croatian Ombudsman has made visits during the last several months to the former Sectors for the purpose of establishing contacts with different organizations and with local authorities. The Government advises that regional offices of the Ombudsman are being opened in the main cities and towns of most counties. Some observers have expressed concern that the Ombudsman has so far made little progress in publicizing his office and issuing recommendations.

32. The Security Council has by its presidential statement of 31 January 1997 (S/PRST/1997/4) already taken note of the letter of the Croatian Government dated 13 January 1997 (S/1997/27, annex) on the completion of the peaceful reintegration of the Region of Eastern Slavonia, Baranja and Western Sirmium, which has important implications for the entire country. The letter contains important confidence-building provisions for the Croatian Serb minority, including an assurance that Croatian Serbs displaced to the Region no later than 15 January 1996 (the start of the UNTAES mandate) could vote in elections either at their current place of residence or at the location where they resided before the war, as well as guarantees for minimum political representation at the national and local levels and for cultural and educational autonomy.

VII. COOPERATION WITH THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

33. According to information received from the Office of the Prosecutor, Croatia's cooperation with the International Tribunal continues to be unsatisfactory. While Croatia repeatedly asserts its willingness to provide assistance to the Prosecutor, the Office of the Prosecutor has been able to make little progress at the working level and still experiences long delays in many aspects of its engagement with relevant authorities. Requests for assistance submitted in June, September, October, November and December 1996 remain outstanding, and it is apparent that for some of these requests no steps have yet been taken by the ministries concerned to initiate the necessary action. The appointment, after months of delay, of the Head of the Department for Relations with the Tribunal has not improved matters. For example, despite repeated inquiries and having raised the matter during her official visit to Croatia in January 1997, the Prosecutor has been unable to obtain information about the health of Mr. Zlatko Aleksovski, who was indicted and arrested and is currently in a Croatian hospital awaiting his transfer to The Hague for trial.

34. In relation to the upcoming trial of General Tihomir Blaskic, the Prosecutor obtained from a judge of the Tribunal a formal subpoena and order for the production of documents in the possession of the Croatian authorities. On 19 February 1997, the Ambassador of Croatia appeared before the judge. While again repeating Croatia's willingness to cooperate with the Tribunal, he failed to deliver any of the material concerned but instead stated an objection to the legality of the orders. The orders have now been suspended temporarily, pending the production of the documents by voluntary arrangement in response to a new request from the Prosecutor. That same week, Croatia wrote to the Prosecutor taking exception to another request for assistance and challenging its scope.

35. No further arrests of accused persons have occurred, and Croatia has informed the Prosecutor that no person indicted by the Tribunal is on Croatian territory. Except in one of the outstanding cases, however, Croatia has not formally reported to the Registrar of the Tribunal, as required by the Tribunal's rules, the reasons for its inability to execute warrants of arrest transmitted to its authorities.

VIII. OBSERVATIONS

36. Security conditions for Croatian Serbs living in the former Sectors, most of whom are elderly, continue to be unsatisfactory, particularly in the area around Knin. Although there is a significant police presence throughout the region, the authorities have generally been ineffective in restoring a climate of law and order. As for investigations of past violations of humanitarian law and human rights, while some progress has taken place regarding more recent incidents, major crimes which occurred at or near the time of Croatia's military operations in the summer of 1995 remain for the most part unresolved.

37. Difficult living conditions for remaining Serbs have been eased considerably during the past winter by intensive humanitarian programmes conducted by international organizations in cooperation with the Government of

Croatia and the Croatian Red Cross. Continuing support for these programmes will be an important need in the coming months. Positive developments have included the provision to virtually all remaining Serbs of necessary identity documents and restoration of some services including electricity. Many elderly Serbs remain isolated and vulnerable, however. The region's continuing economic stagnation gives further cause for concern, affecting Serbs and Croats alike.

38. Despite the 1996 Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, there has been little progress with regard to the return of younger relatives of elderly Croatian Serbs remaining in the area. While more than 14,000 persons have received Government permission to return to the country, less than a quarter of them, mostly additional elderly Croatian Serbs, have returned to the former Sectors themselves. UNHCR's programme to arrange the return of younger relatives of extremely vulnerable individuals has made almost no progress, owing to the slow response of the Government. With the resettlement in the region of tens of thousands of Croat settlers, mostly refugees from Bosnia and Herzegovina, its demography has been changed substantially. The situation has been compounded by the failure of the authorities to resolve the property issue, leaving many would-be returning Croatian Serbs without access to their homes.

39. Regarding the International Tribunal, there remain strong grounds for concern that the Government is withholding its full cooperation. The Office of the Prosecutor reports that the Government has failed to provide requested assistance and information. No further arrests of accused persons have occurred, and Croatia has informed the Prosecutor that no person indicted by the Tribunal is on Croatian territory.

40. International observers have noted the hostility which continues to characterize inter-ethnic relations in the former Sectors, as when Croatian Serbs attempting to seek government assistance through local officials are turned away with derogatory comments based on their national origin. It is therefore clear that if there is to be genuine improvement in the disturbing situation in the former Sectors, efforts by both international and local organizations to promote confidence and reconciliation will continue to be needed for the foreseeable future.

Notes

[1] International observers had estimated the total number of killings which had taken place in the former Sectors in circumstances unrelated to the military actions of August 1995 to be at least 120 (see S/1995/1051).

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/196
5 March 1997

ORIGINAL: ENGLISH

LETTER DATED 5 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF INDONESIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the Security Council, in accordance with rule 39 of its provisional rules of procedure, extend an invitation to Mr. Engin A. Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, to participate in the Council's discussion of the item entitled "The situation in the occupied Arab territories".

(Signed) Nugroho WISNUMURTI
Ambassador
Permanent Representative
Chairman of the Islamic Group

97-05888 (E) 050397

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/197
5 March 1997

ORIGINAL: ENGLISH

LETTER DATED 5 MARCH 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to resolution 1097 (1997) adopted by the Security Council on 18 February 1997 by which the Council endorsed the five-point peace plan for eastern Zaire set out in my letter of the same date (S/1997/136).

The joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, Mr. Mohamed Sahnoun, has just informed me that Mr. Gérard Kamanda wa Kamanda, Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Zaire, had issued a statement in Paris formally declaring his Government's acceptance of the United Nations peace plan.

I have the pleasure to enclose a copy of that statement, which I should be grateful if you would bring to the attention of the members of the Security Council. It is my fervent hope that all the other parties will declare without delay their adherence to the peace plan so that we can turn our collective attention to the pressing task of devising the practical modalities for its implementation.

(Signed) Kofi A. ANNAN

Annex

[Original: French]

Statement issued on 5 March 1997 by the Government of the Republic of Zaire

1. The legal institutions of the Republic of Zaire, in particular the President of the Republic, His Excellency Marshal Mobutu Sésé Séko and the Zairian Government, represented by His Excellency Léon Kengo wa Dondo, Prime Minister and Head of Government, have accepted the five-point peace plan presented by Mr. Mohamed Sahnoun, the joint United Nations/Organization of African Unity Special Representative and contained in Security Council resolution 1097 (1997) of 18 February 1997.

2. The President and the Government of the Republic of Zaire request the immediate deployment of an international monitoring mechanism in order to implement the peace plan of Mr. Sahnoun and the Security Council and to conduct on-site verification of the withdrawal of all foreign troops, including mercenaries and militias.

3. The Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Zaire has been authorized to issue the present statement, on Wednesday, 5 March 1997, and to so inform Mr. Mohamed Sahnoun, the Joint United Nations/ Organization of African Unity Special Representative.

Done at Paris on 5 March 1997

For the Government,

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister,
Minister for Foreign Affairs
of the Republic of Zaire

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/197*
7 March 1997

ORIGINAL: ENGLISH

LETTER DATED 5 MARCH 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to resolution 1097 (1997) adopted by the Security Council on 18 February 1997 by which the Council endorsed the five-point peace plan for eastern Zaire set out in my letter of the same date (S/1997/136).

The joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, Mr. Mohamed Sahnoun, has just informed me that Mr. Gérard Kamanda wa Kamanda, Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Zaire, had issued a statement in Paris formally declaring his Government's acceptance of the United Nations peace plan.

I have the pleasure to enclose a copy of that statement, which I should be grateful if you would bring to the attention of the members of the Security Council. It is my fervent hope that all the other parties will declare without delay their adherence to the peace plan so that we can turn our collective attention to the pressing task of devising the practical modalities for its implementation.

(Signed) Kofi A. ANNAN

* Reissued for technical reasons.

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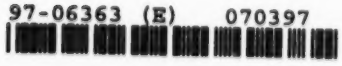

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Done at Paris on 5 March 1997

For the Government,

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister,
Minister for Foreign Affairs
of the Republic of Zaire

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/198
5 March 1997

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1089 (1996) of 13 December 1996. It brings up to date the record of developments in Tajikistan and of the activities of the United Nations Mission of Observers in Tajikistan (UNMOT), as well as the activities of my Special Representative for Tajikistan, since my progress report of 21 January 1997 (S/1997/56).

II. DEVELOPMENTS IN TAJIKISTAN

2. The situation in the Karategin Valley and Tavildara sector, which was characterized by tense calm at the time of my previous report, eased further as a result of the joint efforts of high-level Government and opposition representatives in the region to ensure the implementation of the Khusdeh ceasefire accord. The Government representatives were led by Mr. Amirkul Azimov, Secretary of the National Security Council, and the opposition representatives by Mr. Davlat Usmon, Chief of Staff of the United Tajik Opposition (UTO). They were supported by the Joint Commission and UNMOT. The ceasefire between the Government and UTO has generally held.

3. In mid-January, responding to a request by both Government and opposition to deploy additional teams in the area, UNMOT carried out a number of patrols between Dushanbe and Garm to confirm the security guarantees it had received from both parties for free and unimpeded movement along that road. Having encountered no obstacles, UNMOT prepared for an initial deployment to Komsomolabad and Childara on 7 February.

4. On 3 February, however, five UNMOT personnel (three military observers from Austria, Switzerland and Ukraine, respectively, a Swiss medical doctor and a Tajik interpreter), en route from Garm to Dushanbe for the medical evacuation of a military observer, were stopped near Obigarm and taken hostage by the same armed group that was responsible for abducting 23 persons on 20 December. The

group was commanded by Bakhrom Sodirov, brother of the group's leader Rizvon. The hostages were taken to a camp at Kalainav, 5 kilometres west of Obigarm. The group demanded the return to Tajikistan of Rizvon Sodirov from northern Afghanistan, together with a number of his fighters. The latter demand had already been made in December but had not been met.

5. On 5 February the same group took an additional seven persons hostage: one representative of the International Committee of the Red Cross (ICRC) together with her interpreter, and five journalists, three of them nationals of the Russian Federation. The next morning, four staff of the Office of the United Nations High Commissioner for Refugees (UNHCR) were taken hostage with their vehicles in Dushanbe in broad daylight. On 7 February, the Tajik Minister for Security, Mr. Saidamir Zukhurov, was also taken hostage while trying to negotiate the release of the others.

6. The Government of Tajikistan took the lead in efforts to resolve the hostage crisis. President Rakhmonov, who was personally involved in those efforts, acted in close consultation with UNMOT and with the Government of the Russian Federation. Afghan commander Ahmad Shah Massoud, who controls the area in northern Afghanistan where the Sodirov group's fighters were located, visited Dushanbe and rendered valuable assistance. All involved agreed that the safe return of the hostages must have the highest priority and that this must be achieved by peaceful means.

7. On 7 February, the two ICRC personnel were released and, on 11 February, the sick UNMOT military observer was released. Meanwhile, on 8 February, Rizvon Sodirov was brought to his brother's camp to obtain the immediate release of the hostages, after which he was to return to Afghanistan. However, this did not happen. Rizvon Sodirov remained with his brother, and reaffirmed the demand for the transfer of his fighters from Afghanistan; specifically, he demanded that 40 of them be brought, each carrying equipment for two. Since the fulfilment of this demand would have strengthened a group that already was able to interfere with movement on the main road between Dushanbe and Garm, and this affected not only the Government but also the opposition, President Rakhmonov consulted Mr. Abdullo Nuri, leader of UTO. Mr. Nuri agreed that the Government had no alternative but to meet the Sodirov group's demand and readily supported this course of action.

8. As negotiations continued and arrangements were being made for the transfer of the fighters from Afghanistan, one of the captured journalists reported from the camp on 13 February that one of the hostages, a United Nations military observer, had been shot and killed. This report, made in good faith on the basis of events in the camp and assertions by the captors, subsequently turned out to be false.

9. The 40 fighters were assembled in Taloqan, northern Afghanistan, with the help of commander Ahmad Shah Massoud. However, the Government wished to transport the fighters separately from their arms, and in the process of disarmament there was a fire fight between the Sodirov group and Massoud's forces, in which seven of Rizvon's men were killed or wounded. The rest were flown to Tajikistan.

10. The modalities for the exchange of the hostages for the fighters were worked out in telephone contacts between Bakhrom Sodirov and Mr. Vitaly Ignatenko, Deputy Prime Minister of the Russian Federation. Beginning on 14 February the hostages were released in three stages: two on 14 February with the arrival of the Sodirov fighters from Afghanistan to Obigarm; five on 16 February with their delivery to Bakhrom Sodirov's camp; and the last six on 17 February, after further, lengthy negotiations between President Rakhmonov and members of the group. The hostages were in reasonably good condition, although they all had clearly gone through a harrowing experience, and some had been beaten and abused.

11. Following the release of all the hostages, Government and opposition forces reportedly attacked the Sodirov group but their offensive appears not yet to have yielded a decisive result. Meanwhile, on 18 February, only one day after the release of the last hostages, seven persons, five of Russian origin, were assassinated in Dushanbe. I am informed that the Tajik authorities have arrested five persons, who are suspected on the basis of evidence to be responsible for those as well as other killings. Since then, UNMOT has received a warning from an authoritative source that, in order to obtain the release of the five, elements within UTO might resort to taking United Nations personnel hostage.

12. In the light of these developments, I authorized on 8 February the suspension of all United Nations activities in the country, and in two stages the relocation to Uzbekistan of all United Nations personnel in Tajikistan, except for a small UNMOT team in Dushanbe and a civilian liaison office in Khujand. The liaison officer in Taloqan was also withdrawn because of the presence of members of the Sodirov group in that area. In this connection, the military strength of UNMOT has been temporarily reduced through the non-replacement of military observers whose tour of duty had come to an end. At the beginning of March, UNMOT's overall strength was 82, including 28 military observers from Austria (3), Bangladesh (2), Bulgaria (3), Denmark (3), Jordan (3), Poland (2), Switzerland (5), Ukraine (3) and Uruguay (4), and 54 civilian staff of whom 20 were recruited internationally. Mr. Gerd Dietrich Merrem continued as my Special Representative for Tajikistan, and Colonel Jan Andersen of Denmark has served as Acting Chief Military Observer since the departure of Brigadier-General Hasan Abaza of Jordan at the end of his tour of duty on 31 December 1996. Brigadier-General Boleslaw Izydorcyk of Poland will arrive in Tajikistan shortly to take over as Chief Military Observer. At the time of reporting, 22 military observers and 10 civilian staff had been relocated to Uzbekistan.

III. NEGOTIATING PROCESS

13. Following the round of inter-Tajik talks in January (see S/1997/56), my Special Representative continued his contacts with both sides, as well as with representatives of observer countries, in an effort to bridge the gap on certain outstanding political issues and to advance preparations for the next round of talks on military issues. At the invitation of the Government of the Russian Federation, that round began in Moscow on 26 February.

14. As a result of the progress achieved in the negotiations in recent months, a number of Tajik groups, who do not feel represented by either the Government or UTO, have been in touch with UNMOT expressing their desire to be included in the political process. This would be primarily up to the parties to the inter-Tajik talks, but the United Nations has encouraged them to associate relevant groups with the talks, whether as members of their respective delegations or in some other form. The United Nations has maintained that the process of national reconciliation is meant to result in conditions in which all Tajik parties will be able to participate freely and on equal footing. UNMOT has reported, however, that certain armed groups appear to be opposed to the process of national reconciliation altogether.

15. Prior to the Moscow round of talks, President Rakhmonov and Mr. Nuri met on 20 and 21 February in Mashhad (Islamic Republic of Iran) to deal with outstanding issues from the Tehran round. They reached agreement on the Charter of the Commission on National Reconciliation and on an additional protocol concerning the distribution of senior government posts, and also issued a joint communiqué deploring acts of terrorism (S/1997/169, annexes I-III).

16. On 26 February, my Special Representative opened the Moscow round of inter-Tajik talks in the presence of representatives from the observer countries and organizations. The Government's delegation was led by Foreign Minister Talbak Nazarov, and the UTO delegation by Mr. Akbar Turajonzodah, First Deputy Chairman of UTO. Both sides presented working papers on military issues, that is, the reform of the government power structures (armed forces, police, security) and the disarmament and reintegration of the UTO forces into those structures or civilian life. The talks began in a business-like manner and possible compromises could be discerned on a number of issues. However, they proceeded under the shadow of the possible suspension of the talks by the delegation of UTO, owing to the arrest of five opposition members by the Government (see para. 11 above). On 3 March, the talks were interrupted for two days in order to allow a member of the UTO delegation to travel to Dushanbe and visit the detainees. The Government also allowed ICRC and UNMOT access to the detainees.

IV. FINANCIAL ASPECTS

17. The General Assembly, by its resolution 50/238 of 7 June 1996, appropriated $7,478,900 gross for the maintenance of the Mission for the period from 1 July 1996 to 30 June 1997. Therefore, should the Security Council decide to extend the mandate of UNMOT beyond 15 March 1997, the cost of maintaining the Mission is estimated at $623,242 gross per month, assuming continuance of its existing strength and responsibilities.

18. As at 28 February 1997, unpaid assessed contributions to the special account for UNMOT from the inception of the Mission to 15 March 1997 amounted to $2,430,119, which represents some 12 per cent of the assessment of the Mission. The unpaid assessed contributions for all peacekeeping operations amounted to $1.9 billion.

V. OBSERVATIONS

19. The documents agreed at Mashhad add to the growing list of substantive agreements reached in the last two and a half months, that is, the Khusdeh protocol of 11 December 1996 on the settlement of the military and political situation in the areas of confrontation; the Moscow agreement and protocol of 23 December 1996 concerning the establishment of a Commission on National Reconciliation; and the Tehran protocol of 13 February 1997 on refugees. The inter-Tajik talks in Moscow, temporarily suspended, are another positive sign and I shall keep the Council informed of their progress. These are significant steps on the difficult path from armed conflict to normal peaceful political competition. As a result, the negotiating process, propelled forward by the decisive personal involvement of President Rakhmonov and UTO leader Nuri, has acquired a strong momentum. I continue to believe that this effort deserves the international community's vigorous support.

20. At the same time, I am profoundly disturbed at the threat to the personnel of the United Nations as they are trying, in the face of great difficulty, to provide such support. Important as their objectives are, I cannot in good conscience let them return to business as usual unless there are reasonable assurances that they will be safe. I have therefore decided, so long as the situation in Tajikistan continues in a state of flux and international personnel are at particular risk, to maintain for the time being the suspension of United Nations activities in Tajikistan, except for a limited UNMOT presence. This decision remains subject to continuous monitoring and reassessment of the situation and the institution of further, more rigorous security measures by the Government of Tajikistan.

21. In the circumstances, I recommend that the Security Council extend the mandate of UNMOT for a period of three months only, until 15 June 1997, on the understanding that I shall be keeping the Council informed of any significant developments.

22. I take this opportunity to express my appreciation to the Governments of Tajikistan and the Russian Federation and all others involved for their efforts in obtaining the release of the hostages. I should also like to thank the countries contributing military personnel to UNMOT for their steadfast support, and the Governments of Switzerland and the United Kingdom of Great Britain and Northern Ireland for their quick and effective help.

23. Finally, I should like to pay tribute to my Special Representative and the men and women serving with him in UNMOT. The manner in which they have conducted themselves during the recent, most trying, period are a source of satisfaction and pride for the United Nations.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/199
7 March 1997
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

France, Portugal, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Having considered the letter dated 27 February 1997 from the Permanent Observer of Palestine on behalf of the States members of the League of Arab States (S/1997/165),

Expressing deep concern at the decision of the Government of Israel to initiate new settlement activities in the Jabal Abu Ghneim area in East Jerusalem,

Expressing concern about other recent measures that encourage or facilitate new settlement activities,

Stressing that such settlements are illegal and a major obstacle to peace,

Recalling its resolutions on Jerusalem and other relevant Security Council resolutions,

Confirming that all legislative and administrative measures and actions taken by Israel which purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid and cannot change that status,

Reaffirming its support for the Middle East Peace Process and all its achievements, including the recent Agreement on Hebron,

Concerned about the difficulties facing the Middle East Peace Process, including the impact these have on the living conditions of the Palestinian people, and urging the parties to fulfil their obligations, including under the agreements already reached,

Having discussed the situation at its 3745th meeting on 5 and 6 March 1997,

1. Calls upon the Israeli authorities to refrain from all actions or measures, including settlement activities, which alter the facts on the ground,

pre-empting the final status negotiations, and have negative implications for the Middle East Peace Process;

2. Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilians in Time of War of 12 August 1949, which is applicable to all the territories occupied by Israel since 1967;

3. Calls upon all parties to continue, in the interests of peace and security, their negotiations within the Middle East Peace Process on its agreed basis and the timely implementation of the agreements reached;

4. Decides to remain seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/200
7 March 1997

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. At the 87th plenary meeting of its fifty-first session, on 17 December 1996, the General Assembly adopted resolution 51/193[1] entitled, "Report of the Security Council".

2. In the operative paragraphs of the resolution, the General Assembly:

"1. Stresses the importance of enhanced interaction and an effective relationship between the General Assembly and other principal organs, in particular the Security Council, in accordance with the relevant provisions of the Charter of the United Nations;

"2. Takes note of the report of the Security Council to the General Assembly at its fifty-first session,[2] as well as the views expressed thereon in the course of the consideration of the report by the Assembly;

"3. Encourages the Security Council, in the submission of its reports to the General Assembly, to provide in a timely manner a substantive, analytical and material account of its work;

"4. Calls upon the Security Council to adopt the following measures, inter alia, in connection with the content of its future reports to the General Assembly:

"(a) To include, as appropriate, information on the consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action;

"(b) To include the decisions, recommendations or progress of work of the subsidiary organs of the Council, in particular the sanctions committees;

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[1] Not reproduced in the present document; for the full text, see A/RES/51/193.

[2] A/51/2; to be issued in final form as Official Records of the General Assembly, Fifty-first Session, Supplement No. 2 (A/51/2).

"(c) To highlight the extent to which resolutions of the General Assembly on issues falling within the scope of the General Assembly and the Security Council have been taken into account by the Council in its decision-making;

"(d) To strengthen further the section in the report on the steps taken by the Council to improve its working methods;

"(e) To include information on requests received under Article 50 of the Charter and actions taken by the Council thereon;

"5. Encouraces the Security Council to provide special reports in accordance with Articles 15 and 24 of the Charter;

"6. Requests that the annual report of the Security Council be made available before the beginning of the general debate of the General Assembly;

"7. Requests the President of the General Assembly to raise with the President of the Security Council during their monthly informal meetings and, when deemed appropriate, the matters covered by the present resolution and to report to the Assembly on the steps taken by the Council in this regard;

"8. Invites the Security Council, through an appropriate procedure or mechanism, to update the General Assembly on a regular basis on the steps it has taken or is contemplating with respect to improving its reporting to the Assembly".

UNITED
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7 March 1997

ORIGINAL: ENGLISH

LETTER DATED 7 MARCH 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 7 March 1997, which I have received from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, Mr. Michael Steiner.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

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Annex

Letter dated 7 March 1997 from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

With reference to the deliberations of the Security Council of the United Nations on the situation in Mostar, please find attached the following documents:

(a) The text of the decisions on Mostar of 12 February 1997 (see appendix I);

(b) A copy of my letter to the Chair of the Presidency of Bosnia and Herzegovina, Mr. Alija Izetbegovic, and the Member of the Presidency, Mr. Kresimir Zubak, of 24 February 1997 (see appendix II), together with an enclosure.

In the meantime, the Minister of Interior of the Herzegovina Neretva Canton has announced the suspension from office of some police officers, including the West Mostar police chief and his deputy, referring to the events in Mostar of 10 February. This would be, if realized, a step in the right direction, but falls short of the conclusions to be drawn from the report of the International Police Task Force (IPTF).

I would be most grateful to you if you could submit the attached documents to the members of the Security Council.

(Signed) Ambassador Michael STEINER
Principal Deputy High Representative

Appendix I

Decisions on Mostar of 12 February 1997

On 12 February, President Izetbegovic, President Zubak, Co-Chairman Silajdzic, Vice-Chairman Tomic, Foreign Minister Prlic, Croatian Democratic Union of Bosnia and Herzegovina (HDZ) President Rajic, Democratic Action Party (SDA) Vice-President and Prime Minister Bicakcic, Mostar Mayor Prskalo and Deputy Mayor Orucevic met in Sarajevo to address the recent events in Mostar. The meeting was chaired by the Principal Deputy High Representative, Mr. Michael Steiner. Also present were the Commander of the Stabilization Force (SFOR), General Crouch, Acting Police Commissioner Wasserman and Head of the Office of the High Representative South, Sir Martin Garrod.

The participants condemned in strongest terms the violent acts committed in Mostar and all provocative acts preceding the present crisis. They equally condemned the evictions of Mostar citizens and the harassments on the road to and from Mostar which followed the events of Monday. They deeply deplored the bloodshed and the loss of life of Mostar citizens. They expressed their condolences to the bereaved and sympathy to those who were injured.

The participants committed themselves to undertake all efforts to calm down tensions, to overcome the present crisis and to implement fully existing Federation agreements, including the Mostar provisions of the Agreed Measures of the Federation Forum of 3 February. All of the facts must be established. They agreed that the recent acts of violence should not go unpunished and that the perpetrators must be brought to justice.

The following decisions were taken:

1. The participants reconfirmed the request to the International Police Task Force (IPTF) to conduct an independent investigation into the events and to submit a report which should, in particular, identify those individuals responsible for the escalation of violence and the attacks on Mostar citizens. They took note of the fact that for this purpose IPTF established an independent investigation team on 11 February. Its findings will be submitted to the principals of the major implementation agencies in Bosnia and Herzegovina and to the Contact Group within one week.

2. The participants committed themselves personally to ensure that IPTF will receive all available evidence and that police forces will cooperate fully and in good faith in the conduct of the investigation. Local police shall comply with all demands by the investigation team and will assist IPTF in all stages of the investigations, including by making all persons immediately available for interviews by the investigators. The operational responsibility for the provision of the evidence to IPTF lies with the Mayor and his Deputy.

3. The participants agreed that they would accept and endorse the report by IPTF in full and that they would draw the necessary conclusions from it, in particular the following:

(a) Perpetrators will be arrested and brought to trial;

(b) Office holders, including police, found responsible of instigating or participating in violent acts will be dismissed from their offices.

4. The participants guaranteed that all citizens who have been evicted from their homes in the course of the recent events would be enabled to return to their apartments without delay. The participants would also give instructions that all persons responsible for illegal evictions should be identified, arrested and prosecuted. All illegal evictions would be stopped. The participants decided that the Cantonal Minister of Interior and his Deputy would be personally responsible for the implementation of this provision and would submit full compliance reports to the Head of the Office of the High Representative South by 18 February. The participants stressed their determination to dismiss those policemen from their duties who in the judgment of IPTF do not cooperate in the implementation of this provision in good faith. They requested IPTF to monitor closely the return of evicted citizens to their homes.

5. The participants appealed to IPTF and SFOR to keep an increased presence in Mostar until the situation had further stabilized and full freedom of movement was re-established. They requested the authorities that the nightly curfew should remain in place and be enforced by the local police forces of Mostar until IPTF has determined that the security situation will allow its suspension.

6. The participants reconfirmed their commitment to the United Police Force of Mostar (UPFM) and will instruct the police in Mostar to participate fully in its work with immediate effect, including the proper functioning of the joint headquarters.

7. The participants took note of the fact that the carrying of long-barrelled weapons by the police in Mostar is not authorized by IPTF and that IPTF/SFOR will continue to confiscate these weapons from both police and civilians. The participants instructed the local police to remove these weapons immediately and hand them over to SFOR.

8. The participants reconfirmed their commitment to full freedom of movement in and around Mostar. They decided that all existing obstacles to freedom of movement and illegal checkpoints would be immediately removed and that the police forces would, upon the instruction of, and in cooperation with, IPTF and SFOR, have prosecuted those who hinder freedom of movement.

9. The participants agreed to reconnect the telephone lines between East and West Mostar immediately and to keep those lines open.

10. The participants deplored inflammatory statements in the media which had aggravated the situation and contributed considerably to the escalation of the crisis in Mostar. They committed themselves to showing maximum restraint and to instructing the authorities of Mostar and the Herzegovina Neretva Canton to do likewise. Decisions of the Media Expert Commission of the Provisional Elections Commission on inflammatory statements will be implemented. The participants requested the Canton Minister of Interior and his Deputy to nominate media

liaison officers to IPTF in Mostar who should disseminate, on a regular basis and as appropriate, reliable information to the media on the security situation in the city.

11. The Principal Deputy High Representative drew the attention of the participants to the request of the Presidency of the European Union (EU) and the Steering Board of the Peace Implementation Conference of 21 January 1997 to the Office of the High Representative to identify those individuals responsible for human rights violations and for serious contravention to the letter and the spirit of the Peace Agreement with a view to barring their travel to Europe and overseas. He announced that on the basis of the findings of the IPTF report he would make recommendations to the EU Governments and to the Steering Board members accordingly.

12. The participants agreed to monitor the situation in Mostar closely and to convene a follow-up meeting as soon as the IPTF report is submitted. The participants requested in particular the media covering the Mostar region to carry the text of this Agreement in full in their news reporting.

In case of any dispute regarding these Decisions, the English language version shall prevail.

Appendix II

Letter dated 24 February 1997 from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Chair of the Presidency and the Member of the Presidency of Bosnia and Herzegovina

Please find enclosed an excerpt from the advance copy of the report of the International Police Task Force (IPTF) in pursuance of the 12 February decisions on Mostar. This report has been submitted to the principals of the major implementation agencies in Bosnia and Herzegovina and the Contact Group today and will form the basis for our meeting with the Federation partners scheduled for Tuesday, 25 February, when decisions on the necessary conclusions will be taken. Please keep this report absolutely confidential until after tomorrow night's meeting.

With the full support of the principals and the Contact Group, I request from you the following:

I. As you will see from the report, the IPTF Special Investigation Group has succeeded in establishing the facts related to the intended Bajram visit to the Kneza Mihajla Humskog/former Liska Street graveyard on 10 February in full. The report contains irrefutable proof that plainclothes and uniformed West Mostar police officers opened fire at the backs of citizens who had at that moment already given up on visiting the graveyard and were retreating. One person was killed and at least 20 persons were wounded.

The investigation did not reveal any provocations justifying the use of force by police. Instead, the investigation has shown that the West Mostar police had received advance notification of the planned visit to the cemetery, had acknowledged the visit and had assigned police officers to the route in advance. There was no connection between the graveyard visit and the festivities on the Rondo. Nevertheless, rather than performing their duty of protecting the public, the police not only participated in but instigated the violence.

It is vital now to demonstrate to the citizens of this country that crimes do not go unpunished. In particular, the following must be undertaken immediately:

1. Ivan Hrkac, Deputy Chief of the West Mostar police, and Zeljko Planinic, West Mostar police officer, have been identified as firing into the retreating marchers on Kneza Mihajla Humskog/former Liska Street on 10 February. One plainclothes officer, Bozo Peric, was identified by witnesses and seen firing into the crowd. They must be dismissed from office and arrested by 26 February and then prosecuted to the full extent of the law.

2. Police officers Zlatko Pavlovic and Josip Cvitanovic have been photographed with their weapons drawn during the shooting. They must be

suspended from their duties by 26 February, and their actions must be criminally investigated and prosecuted to the full extent of the law.

3. Contrary to his obligation to cooperate fully, the Chief of the West Mostar Police, Marko Radic, obstructed the IPTF investigation. He must be dismissed from office by 26 February and replaced by a professional police officer from outside the Mostar region.

Criminal investigations and judicial proceeding relating to all police officers involved in the 10 February incident must proceed promptly and be pursued to the full extent of the law with complete international monitoring.

In addition, as I have announced in Point 11 of the Mostar Decisions, I will recommend to the EU Governments and to the Steering Board members to bar those who have been identified in the report as perpetrators of the violence, including Mr. Hrkac, Mr. Planinic and Mr. Peric, from travelling to Europe and overseas.

II. The shooting of 10 February is inexcusable. But it cannot be seen in a political vacuum. The weeks preceding 10 February saw a sequence of incidents, including grenade attacks on both sides of the city and on the Franciscan Monastery located at the Boulevard, without the political leadership undertaking serious joint efforts to calm down the growing tensions. It is distressing that neither the Mostar Mayor and his Deputy nor the Canton Minister of Interior and his Deputy, notwithstanding their political differences, addressed the public jointly and undertook all efforts to keep extremists in check. Their political performance and their efforts to put an end to inflammatory statements issued by public figures and in the press will have to be monitored closely. I will not hesitate to request your intervention and action of the EU Governments regarding travel restrictions against any politician in the Herzegovina Neretva Canton who continues to pour oil into the flames.

Additional steps need to be taken to further normalize the situation in Mostar and other parts of the Federation. The report states that as information of the violence of 10 February spread, random and sporadic attacks on citizens in locations around the city and on routes out of and into Mostar (M-17) were reported. These attacks involved Bosniak victims, but many of them were also directed against Bosnian Croats. The report states that the failure of the police, both in East and West Mostar, to provide protection to potential and actual victims of the series of cross-ethnic attacks, in the incidents both prior to and after the 10 February event, illustrates the serious absence of professional police leadership throughout the area. Therefore, I request both of you to address this issue and to replace the police leadership on both sides of the Neretva with professional police officers from outside Mostar.

Violence spread beyond Mostar. On 20 February, unknown criminals attacked the Church and Monastery of St. Anthony in Sarajevo with hand grenades. This attack - in particular as it was directed against the Central Bosnian Franciscans who have long stood for tolerance and

multiethnicity - is an assault on these values in Sarajevo, in the Federation and in Bosnia and Herzegovina as a whole.

The principals have requested IPTF and the Human Rights Coordination Centre of the Office of the High Representative to submit an additional report detailing the incidents preceding and following the violence of 10 February for consideration by the Federation partners. The Federation partners must commit themselves to draw all necessary conclusions, including personal consequences for all officials and police officers who have failed to perform their duties.

III. Mostar must be addressed now. But beyond recent events in Mostar, the Federation as a whole is facing a severe crisis. More radical efforts must be undertaken to achieve a turning point in the relations between the peoples of the Federation and their leaders. In particular, you should now commit yourselves personally to speedy implementation of the Sarajevo Protocol, the adoption of a first Law on Municipal Reforms and further progress in building the Mostar institutions. The federation must take a new approach to the media as well. The return of refugees and displaced persons must also be addressed. It is unacceptable that three years after the conclusion of the Washington and Vienna Agreements, return to minority areas within the Federation has not yet really started.

I have enclosed a detailed list of steps to be undertaken following the IPTF report, and of urgent Federation issues on which I will request your agreement tomorrow.

(Signed) Ambassador Michael STEINER
Principal Deputy High Representative

Enclosure

I. IMPLEMENTATION OF THE DECISIONS ON MOSTAR OF 12 FEBRUARY

1. The Reinstatement Team (composed of Mostar police, IPTF and SFOR) formed under point 4 of the decisions on Mostar has now successfully assisted in allowing all persons illegally evicted in the wake of the events on 10 February to return to their homes. The Team will continue its work. In particular, it will reinstate any persons who the Mostar Deputy Federation Ombudsman has determined were illegally evicted, should the authorities fail to act promptly to implement the Ombudsman's findings.

2. While the number of illegal evictions has substantially decreased, the threat of illegal eviction continues to cause many Mostar citizens to fear for their safety in their own homes. The report submitted by the Cantonal Minister of Interior and his Deputy relating to reinstatements will be supplemented by 1 March with an additional report concerning the specific steps taken by the authorities to investigate all cases of illegal evictions, as well as attempted evictions and threats, and to prosecute those responsible, as required by point 4 of the decisions.

3. As of 24 February, point 6 of the decisions on Mostar regarding the commitment to the United Police Force of Mostar and the full participation in its work has not been implemented. President Izetbegovic and President Zubak will ensure that the police receive immediate instructions to resume participation including in the joint headquarters.

4. Freedom of movement, under point 8 of the decisions, has not been fully established. Additional measures must be taken to restore confidence so that the citizens of Mostar feel able to move freely, including the removal of the sleeping policemen on the Boulevard.

5. Implementation of point 10 regarding maximum restraint in public statements remains vital. In particular in light of the findings of the IPTF report, the statement by the Ministry of Interior of the Herzegovina Neretva Canton on the opening of criminal investigations against the Deputy Mayor of Mostar and others in connection with the events of 10 February is unacceptable. The Minister of Interior, Mr. Valentin Coric, is requested to retract immediately this statement publicly.

II. CONCLUSIONS TO BE DRAWN FROM THE IPTF REPORT

1. The IPTF will deliver its report to the Government of the Herzegovina Neretva Canton, to the judicial authorities of the Canton and the West Mostar police for further action.

2. Mr. Ivan Hrkac, Deputy Chief of the West Mostar Police, and Mr. Zeljko Planinic, West Mostar police officer, have been identified as firing at the retreating marchers on Kneza Mihajla Humskog/former Liska Street on 10 February 1997. One plainclothes officer, Bozo Peric, was identified by

witnesses and seen firing into the crowd. The authorities shall immediately dismiss the three men from office and issue arrest warrants for them. The authorities will take all necessary steps to ensure their arrest by 26 February and to prosecute these men to the full extent of the law.

3. Police officers Mr. Zlatko Pavlovic and Mr. Josip Cvitanovic have been photographed with their weapons drawn during the shooting. The authorities shall indefinitely suspend them from their duties by 26 February. A criminal investigation shall be initiated against both men, as well as against the as-yet unidentified police officer who was also photographed with his weapon drawn.

4. The criminal investigation of Mr. Hrkac, Mr. Planinic, Mr. Peric, Mr. Pavlovic and Mr. Cvitanovic will be pursued vigorously and will be completed as soon as possible. Upon completion of the criminal investigation, these cases will be brought to trial before an independent and impartial court and prosecuted to the full extent of the law.

5. All police officers identified as being present at Kneza Mihajla Humskog/former Liska Street on 10 February will be investigated to determine their involvement in the violence. Any police officer who assaulted, without any legal basis, any of the marchers will be immediately suspended from duty and will be criminally prosecuted.

6. Any person convicted in relation to the events of 10 February will be dismissed from office and barred from holding other public office or employment.

7. In accordance with Annex 11 to the Peace Agreement, IPTF will have complete access to any site, person, activity, proceeding, record or other item or event throughout the criminal investigation and legal proceedings. Trials will be open to the public.

8. The Chief of the West Mostar Police, Mr. Marko Radic, did not fulfil his obligations under the decisions on Mostar to cooperate fully and in good faith with the IPTF Special Investigation Group. He will be dismissed from office by 26 February and replaced by a professional police officer from outside the Mostar region.

9. The Principal Deputy High Representative will immediately recommend to the EU Governments and the Steering Board members to bar Mr. Hrkac, Mr. Planinic and Mr. Peric from travelling to Europe and overseas. Should others be found guilty in the upcoming judicial procedures, similar recommendations will be made regarding these persons.

10. The report states that the failure of the police, both in East and West Mostar, to provide protection to potential and actual victims of the series of cross-ethnic attacks prior to and after the 10 February event illustrates the serious absence of professional police leadership throughout the area. Therefore, President Izetbegovic and President Zubak are requested to replace the police leadership on both sides of the Neretva with professional police officers.

III. REQUEST FOR AN ADDITIONAL REPORT BY IPTF AND THE HUMAN RIGHTS COORDINATION CENTRE

IPTF in cooperation with the Human Rights Coordination Centre of the Office of the High Representative will submit an additional report detailing the incidents preceding and following the events of 10 February, including detention and assaults of motorists on the M-17 road. This report will be submitted to the principals of the major implementation agencies in Bosnia and Herzegovina and to the Contact Group within ten days. The Federation partners agree to accept and endorse this report in full and to draw the necessary conclusions from it.

IV. FEDERATION IMPLEMENTATION

1. The Sarajevo Protocol must be implemented without delay. The Sarajevo Working Group shall complete its work within two weeks. The necessary amendments of the Federation and Canton Constitutions shall be adopted by the Assemblies by 14 March. On 15 March, the City Council shall constitute itself, adopt the City Statute and elect the new Mayor of the City of Sarajevo.

2. In parallel, work on the amendments of the Federation and Herzegovina Neretva Canton constitutions regarding Mostar shall be completed and the amendments shall be adopted by the Assemblies by 14 March.

3. The Advisory Commission on municipal reforms shall conclude its work on split municipalities and the formation of a first group of new municipalities as agreed in the Commission by 25 February. The Federation House of Representatives shall adopt the draft law on 28 February.

4. President Izetbegovic and President Zubak will be personally available to ensure that any obstacle to the implementation of points 1 to 3 above will be overcome and the deadlines met.

5. The next Federation Forum will devote its attention to the security situation in the Federation, in particular in central Bosnian municipalities. For this purpose, the Federation Ombudsmen together with the Human Rights Coordination Centre of the Office of the High Representative will prepare a report to be submitted to the Forum.

6. President Izetbegovic and President Zubak agree to a meeting with the Principal Deputy High Representative and the Special Envoy of the Office of the United Nations High Commissioner for Refugees by 7 March concerning return in the Federation in order to decide on how the Federation authorities will overcome present obstacles to return.

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GENERAL ASSEMBLY
Fifty-first session
Agenda item 58
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-second year

Letter dated 6 March 1997 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to new violations of the airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, recorded on 24, 27 and 28 February 1997.

On 24 February, at 0944 hours, two Turkish F-4 military planes and one G-4 aircraft in violation of the national airspace of the Republic of Cyprus and the Nicosia flight information region flew over the areas of the monastery of Ayios Andreas and the Solin Point, and then exited at 1037 hours, in a south-easterly direction.

On 27 February, from 1320 hours to 1353 hours, six Turkish military planes violated the airspace of the Republic of Cyprus, flying over the areas of Kyrenia, Morfou, Nicosia and Famagusta, and then landed at the illegal airport of Tymbou. In addition, on 27 February, at 1722 hours, a G-4 aircraft flew over the areas of the Solin Point and the monastery of Ayios Andreas and exited from the airspace of the Republic, heading in the direction of Turkey.

On 28 February, at 1852 hours, a Turkish aircraft of type P-42 entered the airspace of the Republic and landed at Tymbou.

Such unauthorized intrusions into the Nicosia flight information region and the airspace of the Republic are in violation of international air traffic rules and seriously endanger civil aviation flights over Cyprus. At the same time, they heighten tension in Cyprus and are in contravention of the provisions of repeated Security Council resolutions on Cyprus, which state that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement.

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On behalf of the Government of the Republic of Cyprus, I wish to protest strongly against the new violations of the sovereignty and territorial integrity of the Republic of Cyprus, which are in complete disregard of the Charter of the United Nations and the relevant decisions of the Organization on the question of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Ambassador, Permanent Representative
of the Republic of Cyprus
to the United Nations

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GENERAL ASSEMBLY
Fifty-first session
Agenda item 33
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-second year

Letter dated 7 March 1997 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning Israel's attacks on southern Lebanon and the Western Bekaa and the arbitrary practices against the civilian inhabitants in which it engages on a daily basis, I have the honour to notify you of the series of such incidents that took place in February 1997.

1 February 1997

At 0915 hours outlying areas of Ayta al-Jabal, Tibnin, Haddatha, Haris, Bra'shit and Shaqra came under Israeli artillery fire.

2 February 1997

At 0830 hours Israeli warplanes overflew Sidon and the nearby camps at high altitudes.

At 0845 hours Israeli warplanes overflew the Iqlim al-Tuffah area at low altitudes.

4 February 1997

Qabrikha and outlying areas of Tulin, Majdal Silm and Sawwanah came under artillery fire from Israeli positions in the border strip.

At 0630 hours Kafr Rumman came under Israeli artillery fire.

At 0830 hours outlying areas of Jba', Jarju', Ayn Bu Siwar, Arabsalim and the Mlita and Jabal Safi hills came under Israeli artillery fire.

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Clashes took place in outlying areas of Anan in Jazzin district between members of the resistance and Lahad militia elements in which weapons of all types were used.

At 1245 hours outlying areas of Jba', Jarju', Ayn Bu Siwar, Arabsalim, Luwayzah, Ayn Qana, areas along the Nab' al-Tasah, Wadi Jba' and Kafr Fila came under artillery fire from Israeli positions in the border strip.

At 1400 hours the heights above Libbaya in Western Bekaa district came under intermittent Israeli artillery fire.

6 February 1997

At 1600 hours three artillery shells fired from Israeli positions in the border strip fell in Kafr Tibnit in Nabatiyah district. One of them hit the town's Shiite centre, causing serious damage.

7 February 1997

At 0945 hours outlying areas of Libbaya, Zillaya and Qilya in Western Bekaa district came under artillery fire from Israeli positions and Lahad forces.

9 February 1997

At 1045 hours outlying areas of Jibal al-Butm and Zibqin in Tyre district came under heavy artillery fire from Israeli positions in the border strip. Israeli warplanes and helicopters also overflew the area.

11 February 1997

At 1315 and again at 1535 hours Israeli warplanes attacked outlying areas of Sultan Ya'qub al-Fawqa in Western Bekaa district.

At 1315 hours Israeli warplanes attacked Tallat Nahlah in the town of Baalbek and bombed and destroyed the transmission tower of the Voice of the Oppressed radio station. One Lebanese, Mirhaj Salih Sulh, 46, received light wounds in various parts of the body and was taken to the hospital. Some 30 head of sheep and goats were also killed.

At 1330 and 1415 hours Israeli warplanes overflew the Na'imah and Damur areas in Shuf district and two Israeli military helicopters were seen off the Sa'diyat coast.

At 1400 hours Jarju', Arabsalim and Luwayzah came under artillery bombardment. No casualties were reported.

At 1530 hours Israeli warplanes overflew the Nabatiyah area at low altitudes.

13 February 1997

At 1055 hours Israeli warplanes overflew Mashgharah, Ayn al-Tinah, Maydun, Zillaya and Qilya in Western Bekaa district.

At 2010 hours outlying areas of Arabsalim, Jarju' and Luwayzah and areas along the Zahrani river came under Israeli artillery fire.

15 February 1997

At 0730 hours Kafr Tibnit came under bursts of fire from Israeli positions and serious damage was caused to a vehicle belonging to one Husayn Jabir Jabir.

16 February 1997

Between 1110 and 1400 hours Israeli warplanes overflew the Western Bekaa area, focusing on Mashgharah, Maydun, Ayn al-Tinah, Zillaya, Qilya and Libbaya.

At 1130 hours Israeli warplanes overflew Sidon and the nearby camps at low altitudes.

At 1134 hours Israeli warplanes overflew Baalbek at medium altitudes, and at 1200 hours they overflew the Talya area.

17 February 1997

At 0900 hours outlying areas of Kafra, Yatar, Haddatha and Haris came under Israeli artillery fire.

At 0940 hours Israeli warplanes overflew Sidon at low altitudes.

At 1830 hours outlying areas of Tulin, Qabrikha, Majdal Silm, Sawwanah and Jumayjimah came under artillery fire from Israeli positions in the border strip.

18 February 1997

At 0500 hours Qilya and the environs of Dallafah in Western Bekaa district came under Israeli artillery fire. This caused a disruption in electricity supply.

At 0845 hours outlying areas of Nabatiyah al-Fawqa, Jba', Arabsalim, Habbush and Jarju' came under Israeli artillery fire. Na'imah Yusuf Hallal was killed; and Rabi'ah Muhammad Ra'd, of Habbush, and Ali Husayn Shams al-Din, of Arabsalim, were injured. Schools in the Nabatiyah and Iqlim al-Tuffah areas were also closed because of the security situation.

19 February 1997

At 1330 hours outlying parts of Qilya and Zillaya towards the Litani river came under Israeli artillery fire.

At 1830 hours the environs of Qilya and Dallafah came under Israeli bombardment.

20 February 1997

At 0700 hours the Maydun and Ayn al-Tinah hills, Jabbur pool and the Mashgharah hills came under Israeli bombardment.

At 0800 hours there were clashes in the Tumat-Niha area of Jazzin district between members of the Lebanese national resistance and Lahad militia elements. All types of weapons were used. No casualties were reported.

At 0830 hours Israeli shelling of the Ayn Siwar locality to the north of Mashgharah resumed and the bombardment was extended to outlying areas of Libbaya.

At 1010 hours Israeli warplanes overflew the Iqlim al-Tuffah area at low altitudes carrying out mock attacks.

At 1320 hours the vicinity of Ayn al-Tinah and the Jabbur pool came under Israeli artillery fire.

At 1430 hours Frun, in Bint Jubayl district, came under heavy artillery fire from Israeli positions. Four explosive charges placed beside the Frun-Qa'qa'iyah highway by Israeli forces exploded, killing Khidr Ali Shahhadah.

25 February 1997

At 1230 hours outlying areas of Jba' and the Mlita and Jabal Safi hills came under Israeli artillery fire. It stopped at 1400 hours.

26 February 1997

At 0845 hours outlying areas of Tibnin, Bra'shit, Shaqra, Haddatha and Ayta al-Jabal in Bint Jubayl district came under Israeli artillery fire. It stopped at 1200 hours.

At 1900 hours Bra'shit and outlying areas of Tibnin, Shaqra and Ayta al-Jabal came under Israeli artillery fire and Israeli helicopters strafed the area with machine-guns.

27 February 1997

At 1200 hours outlying areas of Haris, Haddatha, Ayta al-Jabal, Tibnin, Shaqra, Bra'shit, Kafra, Yatar, Majdal Silm, Qabrikha, Tulin and Sawwanah came under artillery fire. It stopped at 1830 hours.

At 1920 hours the vicinity of the abandoned Lebanese Army barracks in Nabatiyah al-Fawqa and the Maslakh neighbourhood of Nabatiyah came under Israeli artillery fire. The shelling continued all night, becoming heavier at around 0530 hours, and included parts of Nabatiyah town. Serious damage was caused to a number of dwellings in the Maslakh neighbourhood.

At 2000 hours a number of rockets fired from Israeli positions and by Lahad forces fell in areas along the Awwali river in Shuf district.

28 February 1997

At 0745 hours outlying areas of Jarju', Arabsalim and Luwayzah, the Mlita and Jabal Safi hills, the Habbush - Humin al-Fawqa road and areas along the Nab' al-Tasah came under Israeli bombardment.

At 1015 hours Israeli warplanes overflew the Nabatiyah and Iqlim al-Tuffah areas and attacked the vicinity of Jisr al-Sitt Zubaydah.

At 1400 hours there were armed clashes in outlying areas of Saydun in Jazzin district between elements of the Lebanese national resistance and Lahad militia elements. One of the militia elements was wounded.

Between 2000 and 2100 hours a number of shells fired from Israeli positions fell in areas along the Awwali river.

The Lebanese Government strongly condemns the continued Israeli occupation and these fresh attacks and arbitrary practices inflicted on the Lebanese population, which have left a number of casualties and have caused further serious damage to property.

Like previous attacks, this new series is in flagrant violation of the sovereignty and independence of Lebanon and constitutes a breach of the purposes and principles of the Charter of the United Nations, of international law and of basic human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative